IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.RAMACHANDRAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

MACA.No. 146 of 2007

OPMV.782/1999 of MOTOR ACCIDENT CLAIMS TRIBUNAL, ATTINGAL

APPELLANT/1ST RESPONDENT.

STATE EXPRESS TRANSPORT CORPORATION,
TAMILNADU LTD., CHENNAI-2, REPRESENTED BY ITS
GENERAL MANAGER.

BY ADV. SRI.SUBHASH CYRIAC

RESPONDENTS: CLAIMANTS AND RESPONDENTS 2 TO 4.
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1. C.CHANDRASEKHARAN NAIR,
CHENAVILA VEEDU, MANCHADIMOODU,
CHIRAYINKEEZHU P.O., THIRUVANANTHAPURAM.

2. THE DEPOT IN-CHARGE, SETC,
THAMPANOOR, THIRUVANANTHAPURAM.

3. RAMANATHAN, DRIVER, THIRUVANANTHAPURAM DEPOT,
SETC (TAMILNADU) DIVISION II LTD.,
THAMBANNOR, THIRUVANANTHAPURAM.

4. AYYAPPAN OF NAGER COIL, DRIVER, TRIVANDRUM DEPOT,
-DO- -DO-

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M. Ramachandran & S. Siri Jagan, JJ.

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M.A.C.A. No. 146 of 2007

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Dated this, the 30th January, 2007.

J U D G M E N T

Siri Jagan, J.

Owner of an offending vehicle in a motor accident claim has come up in appeal against the award of the M.A.C.T., Attingal in O.P (MV) No. 782/99 in which for the injuries and consequent disabilities suffered by the injured claimant, a total compensation of Rs. 27,140/- has been awarded. The owner challenges the award both on the ground of lack of negligence on the part of the driver as also excessive amount of compensation awarded.

2. We have gone through the award. From the award, we find that the Tribunal had given very cogent reasoning for coming to the conclusion that the driver of the vehicle was in fact negligent. Neither the appellant nor the driver of the vehicle has cared to adduce any evidence to rebut the evidence adduced by the injured to prove the negligence of the driver. That being so, we do not find any merit in the challenge against the finding of the Tribunal that the accident occurred on account of the negligence of the driver.

3. Regarding the amount of compensation, as against a total amount of Rs. 65,000/- claimed by the injured, the Tribunal had awarded an amount of Rs. 27,140/- under the following heads:

“Pain and suffering	Rs. 10,000/-
Transport of hospital	Rs. 01,500/-
Hospitalisation & Transport	Rs. 02,000/-
Loss of income	Rs. 01,000/-
Damage to clothing	Rs. 00.500/-
Extra nourishment	Rs. 02,000/-

As per medical bills & X-ray		Rs. 01,500/-
Disability compensation (1800x12x8x5/100)		Rs. 08,640/-
	Total	Rs. 27,140/-

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On a consideration of the reasoning given by the Tribunal for arriving at these amounts as compensation, we do not find any reason to interfere with the same on the ground that the same is excessive.

In view of our above finding, there is no merit in the appeal and the same is accordingly dismissed.

Sd/- M. Ramachandran, Judge.

Sd/- S. Siri Jagan, Judge.

Tds/

[True copy]

P.S to Judge.